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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,591

02/06/2006

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23872 7590 11/21/2008
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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

11/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION***Election/Restrictions***

Newly submitted claims 11-18 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the new added claims are combination of the originally examined claims (sub-combination). In this case the sub-combination does not require to have the step of applying an adhesive to the second ribbon at the ribbon cut position before the second ribbon is wound on top of the first ribbon, while applying of the adhesive is performed on a side of the second ribbon which will be facing radially inward on the tube.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-7 the best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Backstrom et al. (U.S. Patent No. 4,338,147).

Backstrom discloses a method for producing cardboard tubes via using ribbon and mandrel (Fig. 1; via ribbons 2 on the mandrel); characterizing glue supplying means (via glue

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nozzle 7) operated at intervals (via glue strip 9 seems as broken line, which make it inherent that the glue nozzle 7 release glue at intervals; column 2, lines 66-68).

Regarding claim 2: the glue (via 9) is distributed in proximity to both longitudinal edges of the ribbons, (Fig. 1).

Regarding claim 3: the glue is a hot melt glue (Abstract, line 3).

Regarding claim 5: the ribbons are of the same width (Fig. 1).

Regarding claim 6: the ribbons are of different width (Fig. 1; via ribbons 2 of each side seems with different width).

Regarding claim 7: the preset length depends on the length of the tubes to be obtained (Figs. 2 and 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 the best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Patent No. 4,338,147).

Backstrom does not disclose the use of two injectors to dispense the glue. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Backstrom's method by using a second glue dispenser, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Response to Arguments

Applicant's arguments filed 10/10/2008 have been fully considered but they are not persuasive.

Applicant argues that the applied art of Backstrom '147 applies glue to the upper surface of the ribbon, not as claimed of gluing the ribbons at a "lower surface". Applicant further supported the claimed language by pointing out as of where in the filed specification such claimed language been explained. The examiner draws applicant's attention that the claimed language is given the broadest possible interpretations, away from the scope of the specification. Therefore, as of the upper and/or lower surface of the ribbon is nothing more than viewing the surface in respect to the position it is been viewed at.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470.

The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/
Primary Examiner, Art Unit 3721